

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CARLO R. MONTEFUSCO,	)	
Petitioner,	)	
	)	
v.	)	C.A. No. 08-10374-MLW
	)	
THOMAS E. DICKHAUT,	)	
Respondent.	)	

ORDER

WOLF, D.J.

March 13, 2013

On January 19, 2010, the court allowed pro se petitioner Carlo Montefusco's motion to reopen his case, which the court had dismissed for want of prosecution, and ordered him to file a memorandum in support of the remaining claims in his petition (the "Memorandum") by February 28, 2010. See Jan. 19, 2010 Order at 4. The court informed Montefusco that "additional late filings or failure to comply with court orders will not be tolerated." Id.

On April 8, 2010, the court again granted Montefusco an extension of time to file the Memorandum, to April 30, 2010. Montefusco again did not comply with the court's order.

On August 15, 2011, the court notified Montefusco that his case was subject to dismissal without further notice after 30 days, pursuant to Local Rule 41.1, for want of prosecution. To date, Montefusco still has not filed the Memorandum. Because of Montefusco's "extremely protracted inaction (measured in years), disobedience of court orders, [and] ignorance of warnings . . . ," his case is now being dismissed, with prejudice. Cosme Nieves v. Deshler, 826 F.2d 1, 2 (1st Cir. 1987); see Fed. R. Civ. P. 41(b);

Cintron-Lorenzo v. Departamento de Asuntos del Consumidor, 312 F.3d 522, 525-26 (1st Cir. 2002) ("A district court, as part of its inherent power to manage its own docket, may dismiss a case sua sponte for any of the reasons prescribed in Fed. R. Civ. P. 41(b). Lack of diligent prosecution is such a reason.").

Accordingly, it is hereby ORDERED that Montefusco's Petition for Relief From a Conviction or Sentence Under 28 U.S.C. §2254 (Docket No. 3) is DISMISSED.

/s/ Mark L. Wolf  
UNITED STATES DISTRICT JUDGE